

AML ADVISORY COMMITTEE

Minutes

Semi-Annual Meeting

May 25, 2011

A regular meeting of the AML Advisory Committee was called to order at the DMME, Buchanan-Smith Building in Big Stone Gap, and VA at 1:30 p.m., pursuant to the notice sent to all committee members.

Present: Jerry Baird, Chairman, Retired from Equitable Resources; Debbie Zirkle, Office of Surface Mining; Martha Podren, TVA, Glenn Graham, Lonesome Pine Soil and Water; Eddie Hannah, Lonesome Pine Soil and Water; Phil Shelton, citizen; Roger Williams, Richard Davis, Randy Casey, Department of Mines, Minerals and Energy. Wade Biddix participated via conference call.

Absent: Carol Doss, Upper Tennessee River Roundtable Gerald Ramsey, Consolidation Coal;

Minutes were transcribed by Dawn F. Bays.

Jerry Baird presided. Jerry opened the meeting with a discussion of the minutes of the previous meeting. After a brief discussion the minutes of the September 15, 2010, meeting was approved unanimously.

DMLR Program Update – Roger Williams

Roger explained that DMLR Director, Jackie Davis, had planned on attending but had a meeting conflict at the last minute.

Budget – Not a lot has changed from the Federal budget for the AML Program with the President's proposal for massive changes. None of the changes took place as a result actions taken in the last Congress. The President is still trying to make those same changes for the next budget. Congress has so far been very opposed. The big thing that the Western states oppose is doing away with funding for the certified coal states and moving that money back to East. I do not feel like that will happen because of so much opposition.

The funding for AML emergencies is still in contention. This year we did not get a separate pot of money for emergencies. Because of the increase of the funding since reauthorization they have told the states they must run their emergencies out of their normal program. For us it has been about \$1.2 million a year. Now any emergencies we have will have to come out of our state AML budget. We did get over \$9 million this year for our state AML program. Also we just got funded two post-act sites for a total of \$77,000. The two sites were the Baker School Blowout and the Wise Mine Pit on the Hurricane Road. The big chunk of the money went for the water supply projects. We put \$3 million in the Hurley Regional Waterline Extension, Phase III A which will move public water nearer to Hurley.

We just recently had a dedication ceremony at Ely Creek for the joint NRCS / DMME acid mine drainage project. A copy of the newspaper article was passed around. Richard Davis provided a power point presentation from the ceremony.

The ceremony was last Tuesday (May 17, 2011) on the M&H, Lenges ,and Knuckles sites with representatives from Lee County, DMME, NRCS , the Daniel Boone Soil and Water Conservation District present at this site on Ely Creek in Lee County, VA. There was a good attendance. There was about \$270,000 construction on this site and that will be increased somewhat. We spent about \$30,000 on land rights and a little over \$100,000 for design work.

Wade indicated the State Conservationist enjoyed the tour and ceremony and we have his full support.

The Gilbert Creeks sites were completed last year and we were able to use the American Recovery and Reinvestment Act money that the NRCS was able to get for these sites. We were really pushed to get these done. The property was donated by Sigmon Coal Company. We had to purchase a piece of property. These sites are all working well.

Richard played a video link form the TV station WCYB where Roger was interviewed during the ceremony.

Roger thanked the NRCS folks, especially the Daniel Boone Soil and Water Conservation District staff for helping to arrange everything.

Richard Davis – DMLR Program Update

We started construction yesterday on the Baker School Blowout, \$17,000. We are repairing an access road and will follow up with an installation of a bat gate in a concrete culvert that will create a habitat for bats and prevent any future blowouts. The post-act sites are ineligible for routine AML funding. Usually once a year OSM solicits post-act projects. This year we submitted two. Thanks to Debbie and her co-workers at OSM for approvals. Normally there is not a lot of post-act money available. This \$77,000 is a large amount. I was informed that OSM has a press release in local papers about the Baker School Blowout. This may be in the Coalfield Progress, Bristol or Kingsport papers.

Each year OSM solicits award nominations for Abandoned Mine Land Reclamation. DMME won the small project award last year. This year we submitted a no cost agreement highwall elimination project in Lee County. Richard showed slides of this project. The OSM will have this on their web site for review and voting.

We can do emergencies, but we have to set up emergency funding out of our routine State AML budget. This slide of Lynn Camp Branch Landslide would have been an emergency submittal to OSM if we had gotten it earlier. A landslide of Lynn Camp Branch in Buchanan County. We did submit this as a State project. This is approved and we have authorization to proceed.

We have worked with The Nature Conservancy to identify AML features in high priority watersheds. These are watersheds that might be close to threatened and endangered species in the Clinch and Powell. DMME has undertaken an inventory effort to locate all the abandoned mine land impacts in these high priority watersheds. We have completed eight of the top ten, and we are now wrapping up this project with The Nature Conservancy. They have a report due to EPA in September.

We have individuals doing GIS inventory in these high priority watersheds and in the coalfields of the Richmond basin. Richard provided slides.

This year we have secured additional reclamation money through the Virginia Department of Conservation and Recreation in the Water Quality Improvement Fund Projects. DMME submitted one grant request and it secured \$125,000 funding for the Inez Pugh site.

We have also partnered with local watershed groups to secure additional money for abandoned mine land reclamation in the Clinch, Powell and Big Sandy basins. This money is for projects that would otherwise not be eligible for OSM funding. We also have partnered with the Upper Tennessee River Roundtable to secure a grant for \$163,000 to reclaim abandoned tipples between Pennington Gap and St. Charles in Lee County, the Stone Creek Tipple site. Money for this came from a settlement agreement between the US Fish and Wildlife Service and Lone Mt. Processing following the 1996 slurry spill into Stone Creek. Next Wednesday we will close on this property. DMME will not own the property, it will be owned by Lee County. We will raze the site, cover with two feet of soil material, correct drainage, and implement a land use of an outdoor classroom for Lee County.

We had our Seventh Annual Arbor Day this year where we had students from sixth grade classes come out to a surface mine and plant trees according to the Forestry reclamation approach. This site is next to the Coalfield Agriculture Center between Pound and Clintwood, on the Wise and Dickenson County lines. Along with native hardwoods, we planted a dozen back-crossed chestnuts which should produce a blight resistant, tall growing chestnut tree.

The new Abandoned Mine Land Inventory System, eAMLIS, was recently released by OSM. A demonstration was shown by Richard.

Wade Biddix – NRCS Program Update

The Ely Creek and Stone Creek work we have done in partnership with Lee County, DMME, the District is a shining example of what can be done when each of us do our own part to make a project successful. On our part we worked out that watershed plan and identified 39 sites that needed or fit into what we felt would qualify for some kind of acid mine drainage assistance.

The way this was split up was, we did the contracting at the federal level for two of the sites on Gilbert Creek and the total contract price for that turned out to be about \$154,000. It was contracted to local firms which is part of the reason this economic stimulus package was so successful. It was awarded to Estes Brothers in Jonesville. They did a great job and did the work in just a little over a month. The behind the scenes work is the large part of our work in trying to get partners, land

rights and all that needs to be done before the actual equipment gets on site. It does take time to get all this worked out. I believe these two sites were successful.

The work that was done on Knuckles, Lenges, and M&H Coal sites, the contract was awarded by DMME and awarded locally to Glass Machinery in Jonesville. This was about \$289,000. We had one discovery of an open portal during construction that was not known to be there. That caused a little delay in getting an additional design. We are amending the agreement between our agencies to add about another \$22,000. We will end up with around \$310,000 - \$320,000 for the sites, NRCS' portion (65%) for construction will be around \$460,000 for all five sites. You see huge benefits from these almost immediately.

Unfortunately, Congress has chosen to eliminate a couple of our legacy programs and it affects DMME. The RC&D Program was zeroed out. We have closed the office in the Black Diamond RC&D as well as six others across the State. There are still viable RC&D areas, we as an agency no longer have funding for those. This is the first time we have ever had to deal with this kind of thing. Congress for FY11 has zeroed out the watershed operations side of it and it looks like it may go in the way of RC&D and never be funded again. I am not sure if we are going to be able to provide financial support to the North Fork Powell through the watershed operations. This is a serious concern for us.

Hopefully other funding sources opportunities will be out there so these projects can be continued.

Randy Casey

The Park Ave. Highwall Project in the town of Norton is still ongoing. We have finished the first phase of the preliminary engineering report. The next phase was the design phase and we are glad to say we are a week away from finalizing a contract with the consulting firm to actually bring the project to design. I think it will late fall when we get the design and construction beginning shortly there after. The construction estimates are somewhere on the order of \$2 million worth of work to be done right in the City of Norton. This will be a major project for downtown Norton. We hope if things stay on schedule, by this time next year most if not all the reclamation and the Safe Routes to School project will be finished. The AML portion of the construction money is \$1.5 million. The City of Norton and VDOT has allocated a similar amount.

Eddie Hannah

I had lunch with Joe Blackburn, with OSM, and shared with him our work and excellent working relationship between VA and OSM. He was very complimentary and pleased. We were in a meeting with ARC and major federal leadership out of Washington. They are coming into the region to look at how we can address the short funding and problems and changes coming down from the federal level.

Glenn Graham

I do a lot of work with Farm Bureau and legislative-wise they are the best grass roots legislative outfit in the country. They are good to work with when it comes to mining and agriculture. They take the interest of the landowners and farmers and it is amazing what they do legislative-wise.

Committee Business

The next meeting of the AML Advisory Committee will be at the Powell River Project. Normally we meet around 3:00pm because of tours they offer. However, the meeting could possibly be held earlier. If we choose UVA Wise as the site for technical presentation, we could probably schedule a room on the UVA Wise campus for our meeting. Roger asked if there is no interest in trying to coincide we could pick another date for the meeting. Several committee members recommended that we hold the next meeting to coincide with the annual Powell River Project meeting. Roger will research and send out emails on options.

Meeting adjourned.

Roger L. Williams
DMME Abandoned Mine Land Services Manager

RLW/dfb